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9 Fashion GPS, Inc.

10 ORIGINAL

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

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BUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

NC

CV 16 80030 MISC.

13 *In re* SUBPOENA DUCES TECUM TO  
14 Dropbox, Inc.

MISCELLANEOUS ACTION:

REQUEST FOR IDENTITY OF  
INFRINGERS PURSUANT TO  
17 U.S.C. § 512(H)

15 Petitioner Fashion GPS, Inc. ("Fashion GPS"), through its undersigned counsel of record,  
16 hereby requests that the Clerk issue a subpoena pursuant to 17 U.S.C. § 512(h), the Digital  
17 Millennium Copyright Act ("DMCA")'s subpoena provisions. The proposed DMCA Subpoena is  
18 submitted concurrently herewith.

19 By way of background, Section 512(h) of Title 17 of the U.S. Code (as enacted by the  
20 "Online Copyright Infringement Liability Limitation Act" as part of the Digital Millennium  
21 Copyright Act ("DMCA")) provides that a "copyright owner or person authorized to act on the  
22 owner's behalf may request the clerk of any United States District Court to issue a subpoena to a  
23 service provider for identification of an alleged infringer in accordance with this subsection." 17  
24 U.S.C. § 512(h)(1).

25 This DMCA Subpoena is directed to Dropbox, Inc. the entity whose website whereon the  
26 relevant infringing activities have occurred.

27 Petitioner Fashion GPS has satisfied the requirements for issuance of a subpoena pursuant  
28 to 17 U.S.C. § 512(h) and hereby files the following items with the Clerk:

1 (1) Fashion GPS has submitted a copy of the notification required by 17 U.S.C.  
2 §512(c)(3)(A) as Exhibit 1 to the Chatterjee Declaration, (*See* Decl. of Chatterjee, ¶ 4), submitted  
3 concurrently herewith;

4 (2) Fashion GPS has submitted the proposed DMCA Subpoena concurrently herewith;

5 (3) Fashion GPS has submitted a sworn declaration, (*See* Decl. of Chatterjee, ¶ 5),  
6 attesting that the subpoena is being sought in order to obtain the identity of an alleged infringers  
7 and that such information will only be used for the purpose of protecting rights under Title 17 of  
8 the United States Code.

9 Accordingly, because Fashion GPS has complied with the statutory requests, it  
10 respectfully requests that the Clerk expeditiously issue and sign the proposed DMCA Subpoena  
11 pursuant 17 U.S.C. § 512(h) and return it to the undersigned counsel for service on the subpoena  
12 recipient.

13 Dated: February 9, 2016

I. NEEL CHATTERJEE  
Orrick, Herrington & Sutcliffe LLP

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15  
16 By: 

I. NEEL CHATTERJEE  
Attorney for Petitioner  
Fashion GPS, Inc.